

**REMARKS**

Claims 1 - 3 have been amended.

Claims 1 - 12 are present in the subject application.

In the Office Action dated October 20, 2005, the Examiner has objected to claims 1 - 3 based on informalities, has rejected claims 1 - 3 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, has rejected claims 1, 3, 4, 6, 7, 8, 11 and 12 under 35 U.S.C. §101 as being directed toward non-statutory subject matter and has rejected claims 1 - 12 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Initially, the Examiner has objected to claims 1 - 3 due to informalities. Specifically, the Examiner takes the position that the term "from that information" does not clearly indicate the desired information.

This objection is respectfully traversed. Claims 1 - 3 each recite reference information throughout the claims. The term "from that information" clearly refers to the reference information and the claims are considered to be clear and definite. However, in order to expedite prosecution of the subject application, claims 1 - 3 have been amended to recite "from that reference information" to further clarify the information. Accordingly, claims 1 - 3 are considered to overcome the objections.

The Examiner has rejected claims 1 - 3 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner takes the position that the claimed feature of the reference information indicating different content ineligible for placement in the same compilation is not supported by the specification.

This rejection is respectfully traversed since the specification fully supports that claim limitation. For example, the specification indicates in the Summary of the Invention section that an aspect of the invention is to provide permission checking. The specification discloses that this feature prevents certain content entities from appearing in the same compilation as other content entities and provides an example where an author may specify that his work cannot be published in the same compilation as the work of another author. In addition, the specification further discloses in section I(B)(7) entitled "Rights Management (Mutual Exclusiveness)" that one of the tasks performed during the process of adding content involves validation of rights management. Rights management includes performing mutual exclusive checks on content. Mutual exclusive content is some pre-published material, B, that is not permitted in the same publication as some piece of material, A. Thus, the specification clearly supports mutual exclusion of different content within a compilation as recited in the claims.

The Examiner has rejected claims 1, 3, 4, 6, 7, 8, 11 and 12 under 35 U.S.C. §101 as being directed toward non-statutory subject matter. The Examiner takes the position that the language of the claim raises a question as to whether the claim is directed to merely an abstract idea. The Examiner basically indicates that claims 1 and 3 do not contain a computer used to implement the method or system.

This rejection is respectfully traversed. Initially, independent claims 1 and 3 are respectively directed toward a method and system for publishing or creating a compilation from content entities stored in a data repository based on mutual exclusiveness of the various content entities. A method and system are clearly within the categories of subject matter deemed statutory. Further, since the claims recite publication or formation of a compilation based on

relationships between various content in a data repository or storage unit, the claims recite more than merely an abstract idea. However, in order to expedite prosecution of the subject application, independent claim 1 has been amended to recite a computer-implemented method, while independent claim 3 has been amended to recite a computer system. Thus, independent claims 1 and 3 each include a computer to respectively implement the method and system and are considered to overcome this rejection. Claims 4, 6, 7, 8, 11 and 12 depend, either directly or indirectly, from independent claims 1 or 3, and are considered to overcome the rejection for substantially the same reasons discussed above in relation to their parent claims.

The Examiner has rejected claims 1 - 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,758 (Ellard) in view of U.S. Patent No. 5,680,611 (Rail et al.). Briefly, the present invention is directed toward a web-based system for adding content to a content object stored in a data repository as a group of hierarchically related content entities. Each non-container content object is preferably stored as a separate entity in the data repository. As the user selects desired objects for inclusion in the content object, the system arranges the objects hierarchically. The system then creates a file object defining the content object that contains an outline of the container and non-container entity selected, their identifiers, order and structure. An aspect of the invention is to provide permission checking to prevent certain content entities from appearing in the same compilation as other content entities. Permission checking includes associating each container and non-container with any mutually exclusive containers or non-containers. For example, such association may be achieved by defining a set of rules specifying containers and/or content entities that are mutually exclusive. Upon selection of a container or non-container to add to the compilation, the permission checking procedure

determines if the container or non-container is mutually exclusive of any other containers or content objects. If so, the permission checking procedure then analyzes the compilation to determine whether any of the other mutually exclusive containers or non-containers already exists in the compilation. If so, then the selected container or non-container is not added to the compilation. Otherwise, the content is added.

In order to assist in an understanding of the present invention, the present invention features may be illustrated by the following example with respect to generation of a compilation in the form of a book. The content of book sections resides in a data repository as individually accessible files each containing a section (or content entity). The sections for the book are selected by a user and may be in the form of excerpts from various authors (or books). The present invention system provides permission checking, where certain content entities are prevented from appearing in the same compilation as other content entities. By way of example, an author may specify that his work cannot be published in the same compilation (or book) as the work of another author.

The Examiner takes the position with respect to independent claims 1 - 3 that the Ellard patent teaches the claimed limitations, except for the feature of the reference information indicating different content ineligible for placement within the same compilation. The Examiner further alleges that the Rail et al. patent teaches this feature and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the Ellard and Rail et al. patents to attain the claimed invention.

This rejection is respectfully traversed since the Ellard and Rail et al. patents, either alone or in combination, do not disclose, teach or suggest the features recited in the claims of the

reference information indicating different content ineligible for placement within the same compilation, and referencing the reference information to determine from that reference information if the content entity is mutually exclusive of other content entities. However, in order to expedite prosecution of the subject application, independent claims 1 - 3 have been amended and recite the features of the compilation comprising a collection of one or more objects each being one of text, an image, a video stream, and a multimedia object.

Initially, the portions of the Ellard and Rail et al. patents relied upon by the Examiner for the rejections relate to detection and/or removal of duplicate records within a storage unit, whereas the present invention relates to a system preventing specified content from being included in the same compilation. Since data of a duplicate record intended for inclusion in the storage unit is already in the storage unit (by virtue of the duplicate record having the same content as a corresponding record in that unit), the content of the duplicate record cannot be ineligible for placement in the same compilation as the corresponding record and is not prevented from being added to that compilation as recited in the claims. In other words, the patents cited by the Examiner basically teach prevention of the same or duplicate content from being placed in the storage structure, as opposed to prevention of placing different specified content in the compilation based on reference information as recited in the claims.

Accordingly, the Ellard patent does not disclose, teach or suggest the above-mentioned features recited in independent claims 1 - 3. Rather, the Ellard patent discloses a master entity index system that indexes data records within one or more information sources and determines which data records within the one or more sources may contain information about the same entity, preferably participants in a healthcare system (e.g., See Column 2, lines 40 – 44 and

Column 4, lines 24 - 27). Thus, the Ellard patent does not disclose, teach or suggest compilations capable of including objects in the form of an image, a video stream or a multimedia object as recited in the claims.

As data records from information sources are fed into the system, the system attempts to match incoming data about an entity to a data record already in the database. If the incoming record matches an existing record, a link between the incoming record and matching record may be generated. If an incoming record does not match any existing records, a new entity identifier may be generated. In each case, the record may be stored in the system (e.g., See Column 5, lines 48 - 59). For all of the records in the system, a record identifier may be used to uniquely identify the entity referred to by that record compared to other data records received from the data source (e.g., See Column 9, lines 38 - 41). In other words, the Ellard system provides a centralized index system to assist in locating all data records relating to the same entity within one or more information sources (e.g., See Column 2, lines 58 - 61).

The Examiner construes: the record identifier as the claimed reference information; the master entity index as the claimed compilation; the standardized input data as the claimed content entity; and the records as the claimed other content entities (See Office Action Pages 4 - 10, Item 8). The Examiner repeatedly asserts that the Ellard patent discloses that if the identifier of the standardized input data is different than the identifier of an existing record, the system will add the standardized input data into the master entity index; otherwise, the system will not add the standardized input to the master entity index.

However, the Ellard patent does not support the Examiner's position. In particular, the Ellard patent discloses that when adding a new record into the index, the system validates and

standardizes the incoming record (e.g., See Column 11, lines 14 – 39) and subsequently determines if a data record with the same record identifier as the incoming record exists in the database. The record identifier of the Ellard patent merely uniquely identifies a record with respect to a particular information source (e.g., See Column 9, lines 38 – 50). Since the record identifiers are unique with respect to a particular information source, different records within the system (each from a different source) may include the same record identifier and be associated with different entities (e.g., See Column 9, lines 50 – 53). Accordingly, if a record with the same record identifier exists, an exception is created to handle this situation; otherwise, the record is added to the system (e.g., See Column 7, lines 56 - 58 and Column 11, lines 40 – 49). The Ellard patent is generally silent with respect to the particular action taken for this exception.

Thus, the Ellard patent discloses utilization of a record identifier merely identifying a particular record, searching the index for other records with that identifier and raising an exception when another record with the same record identifier exists, where the Ellard patent is generally silent with respect to the particular action taken for this exception. Since the record identifier merely identifies the particular record and an exception is raised for records with the same record identifier with no particular action disclosed to handle the exception as discussed above, there is no express disclosure, teaching or suggestion of mutual exclusivity of different content or preventing the record from being added to the index when the record identifiers are the same. In fact, since records from different information sources and associated with different entities may have the same record identifier, not adding the record to the index in response to the same record identifiers may discard valuable data from the system. Accordingly, the Ellard patent does not disclose, teach or suggest the features recited in the claims of: reference

information indicating different content ineligible for placement within the same compilation; determining from the reference information if the content entity is mutually exclusive of other content entities; determining if any of the mutually exclusive content entities exist in the compilation; and adding or not adding the content entity to the compilation based on the existence of a mutually exclusive content entity.

In addition, the Ellard patent discloses creating an exception in response to the incoming record being a duplicate record (e.g., See Fig. 7 and Column 11, lines 57 – 63). The check for duplicate records is performed by using a match/link operation and occurs after the determination that a record with the same record identifier does not already exist (e.g., See Fig. 7 and Column 11, lines 40 - 63). There is no disclosure of the particular action taken for the exception created for this situation. However, the Ellard patent discloses deleting duplicate records as an exemplary exception handling rule (e.g., See Column 7, lines 63 – 66).

Even assuming that the Ellard patent discloses deletion of an incoming duplicate record, the Ellard patent still does not support the Examiner's position or disclose, teach or suggest the features recited in the claims. In particular, the determination of a duplicate record utilizes a match/link operation processing record attributes (e.g., See Fig. 15 and Column 15, lines 1 - 45) and is not based on merely the same record identifiers as asserted by the Examiner. Further, an incoming record identified as a duplicate would contain the same data as the record in the index system. Thus, the data of the duplicate record is already in the system by virtue of the corresponding database record and, therefore, the content of the duplicate record cannot be ineligible for placement in the same compilation as the corresponding database record and is not prevented from being added to that compilation as recited in the claims. In other words, the



Ellard patent basically teaches prevention of the same or duplicate content from being placed in the master index, as opposed to prevention of placing different specified content in the compilation based on reference information as recited in the claims.

The Rail et al. patent does not compensate for the deficiencies of the Ellard patent. Rather, the Rail et al. patent discloses a method for detecting duplicate records. A checksum is generated for each record and compared to checksums stored in check files (e.g., See Abstract). If a generated checksum matches a stored checksum, the transaction identifiers of the record and matching checksum are compared. If the transaction identifiers do not match, then a duplicate has been identified and the record is stored in a duplicate file. If the transaction identifiers match, the current record is not a duplicate and is stored in a master file. The checking of a transaction identifier allows a record to be corrected and re-processed without detecting it as a duplicate record (e.g., See Column 4, lines 40 - 63).

Thus, the Rail et al. system discloses prevention of duplicate records within a master file. There is no disclosure, teaching or suggestion of compilations capable of including objects in the form of an image, a video stream or a multimedia object as recited in the claims. In addition, since the content of the duplicate record is already in the master file by virtue of the corresponding file record, the content of the duplicate record cannot be ineligible for placement in the same compilation as the corresponding record in the master file and is not prevented from being added to that compilation as recited in the claims. In other words, the Rail et al. patent basically teaches prevention of the same or duplicate content from being placed in the master file, as opposed to prevention of placing different specified content in the compilation based on reference information as recited in the claims.

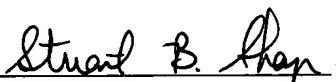
**Amendment**  
**U.S. Patent Appln. No. 09/489,265**

Since the Ellard and Rail et al. patents do not disclose, teach or suggest, either alone or in combination, the features recited in independent claims 1 - 3 as discussed above, these claims are considered to be in condition for allowance.

Claims 4 - 12 depend from independent claims 1, 2 or 3, and, therefore, include all of the limitations of their parent claims. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in these claims.

The application, having been shown to overcome the issues raised in the Office Action, is considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

  
Stuart B. Shapiro  
Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC  
1901 Research Blvd., Suite 400  
Rockville, Maryland 20850-3164  
(301) 424-3640

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